

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 101 OF 2006
IN
WRIT PETITION NO. 3934 OF 2005

Pournima Patil] .. Appellant

Versus

1. The Principal, G.M. Momin Women's College, Bhiwandi & 2 ors.] .. Respondent

Mr. N.M. Ganguli with Mr. C.R. Sadasivan for the appellant.

Mr. A.G. Kothari for the respondents No.1 and 2.

CORAM: R.M. LODHA &
A.S. BAGGA, JJ.

DATED: 13TH JUNE, 2006

P.C. :

. We heard Mr. N.M. Ganguli, the counsel for the appellant and Mr. A.G. Kothari, Advocate for respondents No.1 and 2.

2. The University & College Tribunal recorded the finding in its order that the appointment of the appellant was specifically for limited period that expired on 20th April, 2000. Having held so, the Tribunal held that though the work of the appellant was satisfactory, that would not make any difference.

3. The Writ Petition filed by the appellant challenging the order passed by the Tribunal came to be dismissed by the Single Judge by the order dated 23rd March, 2006. Hence the Appeal.

4. Mr. Ganguli, the counsel for the appellant strenuously urged that under the University statutes, no tenure appointment could have been made by respondents No.1 and 2. He would submit that the appointment by respondents No.1 and 2 could have been either on permanent basis or on temporary basis. Thus, the argument of Mr. Ganguli is that the finding recorded by the Tribunal and upheld by the Single Judge that the appointment of the appellant came to an end on 20th April, 2000 is erroneous. He would submit that the Tribunal having not accepted the case of respondents No.1 and 2 that the appellant's work was not satisfactory and the appointment of the appellant being not tenure appointment, appellant's termination was bad in law.

5. It is true that the Tribunal did not agree with the case of the respondents No.1 and 2 that the appellant's work was not satisfactory. Yet, the fact of the matter is that the Tribunal did hold that the appellant's appointment came to and end on 20th April,

2000 and therefore, the appellant was not entitled to any reinstatement. The Tribunal, in its order (paragraph 7) has reproduced the appointment letter. Upon perusal thereof, it is clear that the appointment of the appellant was purely temporary and upto 20th April, 2000. The aforesaid appointment came to be made on the application made by the appellant on 30th April, 1999. The finding of the College Tribunal that the appointment of the appellant came to an end on 20th April, 2000 therefore, cannot be said to be wrong in law and the learned Single Judge cannot be said to have erred in upholding the said finding of the Tribunal. The University statute read by the counsel for appellant shows that appointment can be made either on permanent basis or on temporary basis. The appellant's appointment was on temporary basis for a particular period and that cannot be said to be inconsistent with the University statute.

6. No case for interference in the impugned order is made out.

7. Letters Patent Appeal is dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[A.S. BAGGA, J.]